

Amendment Under 37 C.F.R. §1.116
Application No. 10/812,422
Attorney Docket No. 042196

REMARKS

Claims 1-18 are currently pending. Claim 1 is amended. Support for amended claim 1 is found at page 16, lines 13-16 of the specification (at column [0073] of Patent Application Publication 2004/0256223).

Amendment to Specification to Correct Translation Error

The term "anion-exchange member" which occurs due to a translator's error has been changed herein to "cation exchange membrane". Applicants respectfully submit that no new matter has been entered. The fact that the ion-exchange member is a cation-exchange membrane is obvious in light of the Aciplex F4203 (made by Asahi Chemicals Co., Ltd.) used as the ion exchange membrane in the example at page 53, lines 18-19 is a cation-exchange membrane. This is further evidenced by US 7,122,219 which describes at column 9, lines 34-36 that Aciplex is a cation-exchange membrane, and in the example at column 13, lines 61-62 that Aciplex F4203, used in the example of the invention of this application, is used. Thus, the ion-exchange membrane in the invention of this application is obviously a cation-exchange membrane.

Applicants' Response to the Rejection under 35 U.S.C. §102(e)

Claims 1 and 18 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Hampden-Smith et al. In response thereto, applicants have amended claim 1 to more distinctly claim the subject matter regarded as the invention. Specifically, applicants have included the

feature of the present invention that the bonding piece is bonded by heat fusion to mutually unit gas diffusion electrodes in a plurality of unit gas diffusion electrodes placed on a porous cathode support with the surface of the bonding piece on the adjacent gas electrodes. Hampden-Smith does not teach this feature of the present invention.

As set forth on page 16, lines 13-16 of the present specification, the gas diffusion electrodes 6 are provided on a porous cathode support 7 that forms a gas chamber 8. See also Fig. 1. Contrary, the device of Hampden-Smith is completely different from the claimed device. As interpreted by the Office, the PEM 202 is a bonding film. As described at paragraphs [0077] and [0216], the PEM is separated from the cathode device 210 by a cathode electrocatalyst layer 222. See Fig. 2. As such, the PEM 202 is not bonding adjacent gas diffusion electrodes located on a porous cathode.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Michael J. Caridi", is written over the printed name.

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